

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant

Reg. No.: 2010-1716
Issue No.: 6031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 15, 2010
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on March 15, 2010. The Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS correctly denied Claimant's request for a vehicle purchase?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant submitted a request to DHS for a vehicle purchase.
2. On 5/709, DHS denied Claimant's request because a Secretary of State clearance showed that the requested vehicle to purchase was already in Claimant's name.

3. DHS also denied Claimant's request because the purchase was not directly tied into accepting an offer of employment or for maintaining employment.
4. Claimant submitted a Hearing Request on 8/6/09 regarding denial of her vehicle purchase request.

CONCLUSIONS OF LAW

Bridges Eligibility Manual (BEM) reads, "Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. DSS include Employment Support Services (ESS) and Family Support Services (FSS). There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or the MWA. A request for a vehicle purchase is appropriately defined as a DSS."

In the present case, DHS denied Claimant's vehicle purchase request because a Secretary of State clearance showed Claimant already owned the vehicle, thereby negating Claimant's need for the vehicle. The request was also denied because Claimant's need for the vehicle was not for the purpose of accepting an offer of employment or for maintaining employment. Further testimony indicated that DHS lacked the funding to approve Claimant's request. The reasons for the denial of Claimant's request are appropriate and not an abuse of discretion by DHS.

Claimant is free to make further requests for a vehicle purchase in the future. Though Claimant has shown great initiative by volunteering her time for DHS and by pursuing employment, DHS has discretion to require stricter standards for approving vehicle purchases. The actions by DHS in denying Claimant's vehicle purchase request were appropriate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly exercised their discretion in denying Claimant's vehicle purchase request. As such, the actions of DHS are AFFIRMED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/29/2010

Date Mailed: 3/29/2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CG/jlg

cc:

